

**R E M A R K S**

**REJECTION UNDER 35 USC §101**

The rejection of all the claims under §101 of claims 47-52 has been stated in the Advisory Action to be based on Applicants' failure to recite "any technology in the claim language. It is respectfully submitted that the decision in *State Street Bank & Trust Co. v. Signature Financial Group*, 47 USPQ2d 1596 (Fed. Cir. 1998) did not base the definition of utility upon the presence of "technology", but rather upon the presence of a "useful, concrete and tangible result" arising from any apparatus, method or product made by man. It is submitted that original claim 47 and the claims dependent thereon fully meet this test. Nevertheless, it appears that the Examiner would prefer explicit language to the effect that the claimed method is computer-related. It is submitted that the steps recited in original claim 47 strongly inferred the use of a computer for their implementation. However, in order to expedite resolution of this formality, without intention of materially altering the scope of the claims, claim 47 has hereby been amended to recite "utilizing a computer system."

It is respectfully submitted that the rejection under §101 should be reconsidered and withdrawn.

**REJECTIONS UNDER 35 USC §103**

The rejections under 35 USC 103 based on the Siegrist *et al.* reference alone (U.S. Pat. No. 5,652,842) ("Siegrist") or Siegrist in view of the Borghesi *et al.* reference (U.S. Pat. No. 5,950,169) ("Borghesi") are respectfully traversed. Applicants, in their previous response, argued that the references do not suggest a market system that dynamically adjusts the matching of customer with provider based upon the multiple factors recited in claim 47 here, including "supplemental inducements." In response thereto, the Advisory Action asserts that the claims did not define dynamic system as argued. It is respectfully submitted that this assertion does not take into account the combination of steps set forth in original claim 47.

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However, in order to expedite resolution of this issue, clarifying amendments have been made to claim 47 herewith. Specifically, the claim now recites more explicitly that the supplemental inducements are received from service providers on an on-going basis separately from providing the database of service provider information itself. This makes it more clear that service providers are able to individually influence their ranking in the selection process by making special offers applicable to particular types of customers, locations, or times. See pp. 15, 17-18, and 22-23 of the specification for descriptions of these special offers and their operation in the service market coordinating method of the present invention.

Accordingly, it is submitted that the rejections of claims 47 – 52 based upon Siegrist alone or in combination with Borghesi should be reconsidered and withdrawn.

Respectfully submitted,



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